United Nations S/AC.55/2014/3

Security Council

Distr.: General
27 February 2014

Original: English

Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic

Note verbale dated 26 February 2014 from the Permanent Mission of Egypt to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Egypt to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic and refers to paragraph 58 of the above-mentioned resolution, in which Member States are called upon to report on steps taken to implement the arms embargo mentioned in paragraph 54 of that same resolution.

The Mission has the honour to confirm that Egypt is committed to the full implementation of the arms embargo and that the relevant national authorities immediately took measures to prevent the supply of arms and related materiel to the Central African Republic.

14-27276 (E) 250314

Please recycle

United Nations S/AC.55/2014/4

Security Council

Distr.: General
27 February 2014

Original: English

Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic

Note verbale dated 26 February 2014 from the Permanent Mission of Norway to the United Nations addressed to the Chair of the Committee

Please find enclosed the report of Norway submitted to the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic pursuant to paragraph 58 of Security Council resolution 2127 (2013) (see annex). Also find enclosed a translation of the Norwegian Act of 18 December 1987 relating to control of the export of strategic goods, services, technology, etc.*

* The Act referred to is on file with the Secretariat and is available for consultation.

14-27315 (E) 080414

Please recycle

Annex to the note verbale dated 26 February 2014 from the Permanent Mission of Norway to the United Nations addressed to the Chair of the Committee

Report pursuant to paragraph 58 of Security Council resolution 2127 (2013) to the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic

I. Introduction

Norway remains fully committed to the implementation of the embargo on deliveries of weapons and military equipment established by Security Council resolution 2127 (2013). Norway is further committed to the implementation of Security Council resolution 2134 (2014) and will report to the Committee on the steps taken to implement the said resolution in due time.

II. Legal measures

The Act of 18 December 1987 relating to control of the export of strategic goods, services, technology, etc., is the legal basis for control of the export of such goods in general. The King in Council has, by the authority provided for in section 1 of the Act, prohibited any export of goods, technology or services that could be of importance to the development, production or use by other countries of products for military use, or that could directly benefit the development of a State's military capability, without the permission of the Ministry of Foreign Affairs. The Export Control Section at the Ministry of Foreign Affairs is responsible for administrating the export control system, including the processing of export licence applications in accordance with the export control act and the export control regulations. The products and technologies for which such permission is required are specified in specific export control lists. The Act also prohibits persons who are residents or staying in Norway, as well as Norwegian companies, foundations and associations, from trading or otherwise assisting in the sale of arms and defence material from one foreign country to another without special permission.

According to section VII.B. of the export control regulations, the export of any goods, technology or service for military use to an area subject to an arms embargo imposed by the United Nations Security Council requires a licence from the Ministry of Foreign Affairs. Export licences will not be granted in conflict with Security Council resolutions.

Before processing an application, the Ministry of Foreign Affairs requires that satisfactory documentation be submitted. Documentation that identifies the end user is generally required.

III. Contravention of the legal measures

The Norwegian authorities concerned are not aware of any contraventions of the legal measures described above in relation to the Central African Republic.

United Nations S/AC.55/2014/5

Security Council

Distr.: General
5 March 2014

Original: English

Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic

Letter dated 3 March 2014 from the Permanent Representative of Japan to the United Nations addressed to the Chair of the Committee

With reference to the letter dated 16 January 2014, the Government of Japan is honoured to present its report to the Committee established pursuant to Security Council resolution 2127 (2013) concerning the Central African Republic (see annex), which calls upon all Member States to report to the Committee within 90 days of the adoption of the resolution on the steps they have taken with a view to implementing effectively paragraph 54 of the resolution.

(*Signed*) Motohide **Yoshikawa**
Permanent Representative of Japan to the United Nations

14-27483 (E) 020414

Please recycle

Annex to the letter dated 3 March 2014 from the Permanent Representative of Japan to the United Nations addressed to the Chair of the Committee

Report to the Committee established pursuant to Security Council resolution 2127 (2013) concerning the Central African Republic

Regarding paragraph 54 of Security Council resolution 2127 (2013), the Government of Japan has been dealing with arms control carefully in accordance with the Three Principles on Arms Exports (hereinafter referred to as "the Three Principles") and their related policy guidelines. The Three Principles have been the basic policy concerning Japan's arms exports since they were declared at the Diet session in 1967.

Under the Three Principles, arms exports shall not be permitted to countries subject to arms exports embargo under Security Council resolutions, and countries involved in or likely to be involved in international conflicts.

Arms as referred to in the Three Principles are defined as goods which are used by military forces and which are directly employed in combat, details of which are contained in the list of 18 goods listed under item 1 of the annexed list 1 of the Export Trade Control Order (see enclosure).

Enclosure

Arms and arms production-related equipment listed as item 1 of the annexed list 1 of the Export Trade Control Order

1. Firearms and cartridges to be used thereof (including those to be used for emitting light or smoke), and accessories thereof, as well as parts thereof.
2. Ammunition (excluding cartridges), and equipment for its dropping or launching, and accessories thereof, as well as parts thereof.
3. Explosives (excluding ammunition) and military fuel.
4. Explosive stabilizers.
5. Directed energy weapons and parts thereof.
6. Kinetic energy weapons (excluding firearms) and equipment for their launching, as well as parts thereof.
7. Military vehicles, and accessories and bridges specially designed for military use thereof, as well as parts thereof.
8. Military vessels, and hulls and accessories thereof, as well as parts thereof.
9. Military aircraft and accessories thereof, as well as parts thereof.
10. Anti-submarine nets and anti-torpedo nets as well as buoyant electric cable for sweeping magnetic mines.
11. Armour plates and military helmets, as well as bullet-proof jackets and parts thereof.
12. Military searchlights and control equipment thereof.
13. Bacterial, chemical, and radioactive agents for military use, as well as equipment and parts thereof for dissemination, protection, detection, or identification thereof.

13-2. Chemical mixtures specially formulated for the decontamination of objects contaminated with biological agents and radioactive materials adapted for use in war and chemical warfare agents.

14. Biopolymers for detection and identification of chemical agents for military use and cultures of cells for production thereof, as well as biocatalysts for decontamination and degradation of chemical agents for military use and expression vectors, viruses or cultures of cells containing the genetic information necessary for production thereof.
15. Equipment and parts thereof for the production or testing of military explosives.
16. Equipment for the production or testing of arms, as well as parts and accessories thereof.
17. Spacecraft specially designed or modified for military use, and spacecraft components specially designed for military use.

United Nations S/AC.55/2014/6

Security Council

Distr.: General
5 March 2014

Original: English

Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic

Note verbale dated 4 March 2014 from the Permanent Mission of Australia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Australia to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic, and has the honour to refer to the note verbale dated 16 January 2014, in which Member States were called upon to report to the Committee within 90 days from the adoption of the resolution on the steps they had taken with a view to implementing effectively paragraph 54 of resolution 2127 (2013).

The Permanent Mission of Australia has the further honour to attach Australia's report pursuant to paragraph 58 of resolution 2127 (2013) (see annex).

14-27518 (E) 090414

Please recycle

Annex to the note verbale dated 4 March 2014 from the Permanent Mission of Australia to the United Nations addressed to the Chair of the Committee

Report of Australia to the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic, on the implementation of the arms embargo measures set out in resolution 2127 (2013)

1. The Security Council, in paragraph 58 of resolution 2127 (2013) of 5 December 2013, called upon all Member States to report to the Committee within 90 days from the adoption of the resolution on the steps they had taken with a view to implementing effectively paragraph 54. The present report describes the steps taken by Australia to implement the measures set out in paragraph 54. References in this report to "the Committee" are to the Committee established under Security Council resolution 2127 (2013) unless otherwise specified.

Measures given effect under the Charter of the United Nations Act 1945

2. Paragraph 54 of resolution 2127 (2013) is implemented in Australia primarily through the Charter of the United Nations (Sanctions — Central African Republic) Regulation 2014 ("the Regulation"), which commenced on 28 February 2014. The Regulation was made pursuant to subsection 6 (1) of the Charter of the United Nations Act 1945 ("the Act") and, as such:

(a) In accordance with section 9 of the Act, the Regulations have effect despite: an act enacted before the commencement of the Regulations; or a law of a State or Territory; or an instrument made under such a law; or any provision of the Corporations Act 2001 or the Australian Securities and Investments Commission Act 2001, or of regulations made under those Acts; or an instrument made under such a provision;

(b) In accordance with subsection 10 (1) of the Act, no Act enacted at or after the commencement of section 10 of the Act may be interpreted as amending or repealing, or otherwise altering the effect or operation of, a provision of the Regulations; or as authorizing the making of an instrument amending or repealing, or otherwise altering the effect or operation of, a provision of the Regulations.

3. Paragraph 54 of resolution 2127 (2013) requires all States:

(a) To prevent the direct or indirect supply, sale or transfer to the Central African Republic, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and related spare parts;

(b) To prevent the provision of technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel.

4. The Regulation implements the arms embargo established pursuant to paragraph 54 of resolution 2127 (2013) by:

(a) Prohibiting the direct or indirect supply, sale or transfer of "export sanctioned goods" to the Central African Republic, including through the use of Australian flag vessels or aircraft (regulation 8);

(b) Prohibiting the provision to the Central African Republic of a "sanctioned service", including through the use of Australian flag vessels or aircraft (regulation 10).

5. The Regulation defines "export sanctioned goods" as arms or related materiel (regulation 5), which is further defined to include all items prohibited under paragraph 54 of resolution 2127 (2013), namely: weapons, ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned.

6. The Regulation defines a "sanctioned service" as the provision to the Central African Republic of technical assistance, training, financial or other assistance, related to military activities; the provision, maintenance or use of any arms or related materiel; or the provision of armed mercenary personnel whether or not originating in Australia (regulation 6).

7. The Regulation thereby prohibits the matters covered by paragraph 54 of resolution 2127 (2013).

8. The Regulation provides for the Minister for Foreign Affairs to issue a permit for the provision of an otherwise sanctioned supply (regulation 9) or sanctioned service (regulation 11) to give effect to the exceptions to the arms embargo set out in paragraph 54 of resolution 2127 (2013).

9. Regulation 9 limits the Minister's authority to issue permits for the provision of a sanctioned supply to the circumstances mentioned in subparagraphs (a) to (f) of paragraph 54 of resolution 2127 (2013), namely:

(a) A supply intended solely for the support of or use by the Mission for the Consolidation of Peace in the Central African Republic (MICOPAX), the African-led International Support Mission in the Central African Republic (MISCA), the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA) or its guard unit, the African Union-Regional Task Force (AU-RTF), or the French forces deployed in the Central African Republic;

(b) A supply of non-lethal military equipment intended solely for humanitarian or protective use and approved in advance by the Committee;

(c) A supply of protective clothing temporarily exported to the Central African Republic by United Nations personnel, representatives of the media and humanitarian or development workers or associated personnel, for their personal use only;

(d) A supply of small arms or other related equipment intended solely for use in international patrols providing security in the Sangha River Tri-national Protected Area to defend against poaching, smuggling of ivory or arms, or other activities contrary to the national laws of the Central African Republic or the Central African Republic's international legal obligations; or

(e) A supply of arms or other related lethal equipment to the Central African Republic security forces, intended solely for support of or use in the Central African

Republic process of security sector reform and approved in advance by the Committee.

10. Regulation 11 limits the Minister's authority to issue a permit for the provision of a sanctioned service to the circumstances mentioned in subparagraphs (b) and (f) of paragraph 54 of resolution 2127 (2013), namely:

(a) Technical assistance or training related to a supply of non-lethal military equipment intended solely for humanitarian or protective use and approved in advance by the Committee;

(b) Other provision of assistance or personnel approved in advance by the Committee.

Enforcement of the Regulations

11. We are in the process of recommending to the Minister for Foreign Affairs that she declare regulations 8 and 10 of the Regulation to be "United Nations sanction enforcement laws" under the Charter of the United Nations (United Nations Sanction Enforcement Law) Declaration 2009, in accordance with subsection 2B (1) of the Act. Contravention of a United Nations sanction enforcement law, or of a condition of a permit granted under United Nations sanction enforcement law (where applicable), is an offence under section 27 of the Act.

12. Each United Nations sanction enforcement law is given the jurisdictional scope to correspond with the obligation it enforces. All apply to conduct when committed, or when a result of the conduct occurs, wholly or partly in Australia or on board an Australian aircraft or ship.

13. Regulations 8 and 10 additionally apply (by reference in those regulations to the application of section 15.1 of the Criminal Code 1995) to conduct when committed wholly outside Australia by an Australian citizen or an Australian body corporate.

14. Regulations 8 and 10 also apply to conduct when committed by a person, whether or not in Australia and whether or not an Australian citizen, using the services of an Australian ship or aircraft.

15. Regulations 8 and 10 further provide that an Australian body corporate is liable for conduct contravening the regulation committed by another body corporate or entity, wherever incorporated or situated, if the Australian body corporate has effective control over the actions of that other body corporate or entity.

16. The current maximum penalty upon conviction for such an offence for individuals is 10 years' imprisonment or a fine the greater of $425,000 or three times the value of the transaction. For a body corporate, the offence is one of strict liability unless it can prove that it took reasonable precautions and exercised due diligence to avoid contravening the regulation. The maximum penalty upon conviction for bodies corporate is a fine the greater of $1.7 million or three times the value of the transaction.

Additional means to implement the arms embargo measures set out in resolution 2127 (2013)

17. Australia also implements arms embargo measures required under Security Council resolutions through the Customs Act 1901, which is administered by the Australian Customs and Border Protection Service. The Government of Australia is in the final stages of amending the Customs (Prohibited Exports) Regulations 1958, which are made under the Customs Act 1901, to prohibit the export of arms and related materiel to the Central African Republic without authorization under the Charter of the United Nations (Sanctions — Central African Republic) Regulation, as set out above.

Update on Australia's efforts to implement resolution 2134 (2014)

18. In resolution 2134 (2014), the Security Council extended the sanctions measures imposed in relation to the Central African Republic to allow for the imposition of travel bans and asset freezes on individuals who engage in or provide support for acts that undermine the peace, stability or security of the Central African Republic; act in violation of the arms embargo; commit human rights abuses or atrocities; recruit or use child soldiers; provide support for armed groups or criminal networks through the illegal exploitation of natural resources; obstruct the delivery of humanitarian assistance; or are involved in attacks against BINUCA, MISCA or other (French and soon European Union) forces that support the peacekeeping effort.

19. The Government of Australia is currently preparing amendments to the Charter of the United Nations (Sanctions — Central African Republic) Regulation 2014 to give effect to the above-mentioned measures.

United Nations S/AC.55/2014/7

Security Council

Distr.: General
6 March 2014

Original: English

Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic

Note verbale dated 5 March 2014 from the Permanent Mission of Hungary to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Hungary to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic and, with reference to its note of 16 January 2014, has the honour to submit the following information to the Committee on the national implementation of resolution 2127 (2013).

In the case of all arms embargoes established by the Security Council, the relevant Hungarian authorities (the Hungarian Trade Licensing Office) apply Government Decree No. 160/2011 (VIII.8.) on the licensing of export, import, transit and transfer of military equipment and related services, and the certification of enterprises.

According to article 8, paragraph (1), of the above-mentioned law:

"The licence application shall be denied if:

(a) It is in contradiction with the international obligations of Hungary;

(b) It is against the national economic interests of Hungary;

(c) It offends national security interests;

(d) It would hinder or render impossible lawfully established activities of the national defence and law enforcement forces and that of the national security;

(e) It is against the criteria stipulated in Annex 2."

Therefore, the arms embargo imposed by resolution 2127 (2013) on the Central African Republic can be regarded as fully implemented by Hungarian law.

The Hungarian Trade Licensing Office also publishes a regularly updated list of arms embargoes in force on its website.

United Nations S/AC.55/2014/8

Security Council

Distr.: General
11 March 2014
English
Original: Spanish

Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic

Note verbale dated 4 March 2014 from the Permanent Mission of Spain to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Spain to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic and has the honour to acknowledge receipt of her note dated 16 January 2014. The Mission submits herewith the following report on the steps taken with a view to implementing effectively paragraph 54 of resolution 2127 (2013).

The choice of customs controls carried out on goods at the time of dispatch is based on a risk analysis using automated data processing techniques, designed to identify and quantify risks and develop measures to assess them, on the basis of criteria defined at the national, community and international levels, if any.

In this case, the aim is to prevent the direct or indirect supply, sale or transfer to the Central African Republic of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts. These goods are subject to export controls under Act No. 53/2007, of 28 December, on the control of external trade in defence-related and dual-use materials, and its implementing regulations, Royal Decree No. 2061/2008 of 12 December, which adopted regulations for the control of external trade in defence-related materials, other material and dual-use goods and technology.

The aforementioned domestic legislation enforces Council Regulation (EC) No. 1334/2000 of 22 June 2000 setting up a community regime for the control of exports of dual-use items and technology in Spain.

The export of these items to high-risk countries is subject to licensing; applications for export licences must meet the requirements set out under article 2 of Council Common Position 2008/944/CFSP.

The Interministerial Board for the Regulation of External Trade in Defence and Dual-Use Materials evaluates export licence applications that are made in accordance with the criteria set forth in Common Position 2008/944/CFSP and denies applications that do not meet those criteria. Since the Security Council

Please recycle

adopted its resolution 2127 (2013), on 5 December 2013, the State Secretariat for Trade of the Ministry of Economy and Competitiveness has denied all applications for the export of arms and related materiel to the Central African Republic.

In this case, criterion 1 applies: respect for the international obligations and commitments of Member States, in particular the sanctions adopted by the Security Council or the European Union, agreements on non-proliferation and other subjects, and other international obligations.

The aforementioned prohibitions do not apply to activities covered by the six exemptions set out in the resolution.

United Nations S/AC.55/2014/9

Security Council

Distr.: General
11 March 2014
English
Original: Spanish

Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic

Note verbale dated 5 March 2014 from the Permanent Mission of Chile to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Chile to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic and, with reference to its note verbale on measures adopted to implement paragraphs 54 and 58 of the resolution, which establish an arms embargo, has the honour to provide the following information:

> "Chile reiterates its commitment to the full implementation of Security Council resolution 2127 (2013). The decision taken by the Council has been transmitted to all of the competent national authorities for immediate action to prevent the supply of arms or materiel to the Central African Republic.
>
> In that context, the Central African Republic has been added to the list of countries or organizations subject to a ban or restrictions on the supply, sale or transfer of materiel for potential military use. The list is used internally by the Advisory Committee on Export of Arms and War Materiel, which was established by Supreme Decree No. 374. The function of the Committee is to advise the Ministry of Defence ahead of a potential arms sale, in accordance with paragraph 2 of Law No. 17.798 on the control of arms and similar materiel.
>
> Accordingly, we wish to inform you that the domestic decree promulgating resolution 2127 (2013) is currently at the administrative processing stage."

14-29192 (E) 090414 100414

Please recycle

United Nations S/AC.55/2014/10

Security Council

Distr.: General
12 March 2014

Original: English

Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic

Note verbale dated 11 March 2014 from the Permanent Mission of Brazil to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Brazil to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic and, with regard to the note verbale of 16 January 2014, has the honour to state that the process of incorporating the resolution into the national legislation of Brazil is in its final stage.

Under the above-mentioned legislation, to be published soon, all the Brazilian authorities must, within the limits of their duties and powers, comply with the provisions of resolution 2127 (2013).

14-27846 (E) 030414

Please recycle